REMARKS

Initially, in the Office Action dated December 11, 2003, the Examiner rejects claims 17-47 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,215,505 B1 (Minami et al.). Claims 45-48 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Minami and further in view of U.S. Patent No. 6,144,972 (Abe et al.).

By the present response, Applicant has amended claims 17, 21, 26, 27 and 31 to further clarify the invention. Claims 17-48 remain pending in the present application.

Examiner Interview

Applicant's representative setup a personal interview with Examiner Harrison for April 12, 2004, 11am, however, unfortunately the Examiner did not make it in to work by that time. Applicant's representative waited thirty minutes and left the Examiner's building. Applicant's representative may attempt to reschedule this interview.

35 U.S.C. §102 Rejections

Claims 17-47 have been rejected under 35 U.S.C. §102(e) as being anticipated by Minami et al. Applicant respectfully traverses these rejections and submits that Minami et al. was discussed in Applicant's previously-filed response. Applicant reasserts all arguments submitted in Applicant's previously-filed response and provides the following additional remarks.

Regarding claim 17, 21, 26, 27, 31 and 36, Applicant submits that Minami et al. does not disclose or suggest the limitations in the combination of each

of these claims of, <u>inter alia</u>, synthesizing an image with a moving picture that includes while replaying the moving picture from an arbitrary replay position, drawing a locus of motion of the image using an input device to determine position data of the locus motion of the image with time and storing the determined position data and time data representing when the position data is determined. According to the present invention, synthesizing a moving a picture and a still image is provided by inputting a position of the image to be synthesized <u>while replaying the moving picture</u>, so as to make moving of the image to be synthesized smooth. When the moving picture is replayed again after information on the position has been inputted, an image is superposed at the position thus inputted. In contrast, Minami et al. discloses that a partial image is extracted from an original moving image and a spatial position of the extracted object can be interactively specified <u>on a background image</u> representing the remaining of the moving image after extraction, in respect of time and space (see col. 1, lines 44-57, col. 5, lines 37-40, etc.). Therefore, in the preparation, the position of the extracted object is <u>traced on the background</u> per time to acquire the locus of the object trace as a function relating to the position and time (see col. 6, lines 33-43 and Fig. 2).

The Examiner asserts that Minami et al. discloses these limitations in the claims of the present application at col. 7. lines 3-16, 19-23, 36-44, Figs. 8 and 9 and col. 8, lines 54-65. However, these portions of Minami et al. merely disclose a processing for displaying the locus as thus acquired. For example, in col. 7, lines 3-44, a processing is described such that a manipulation target spatial position P_i is specified as a starting position for display, and an object is determined from the

13

specified spatial position using the already acquired locus and display (see col. 7, lines 19-23 and 26-29). Therefore, Minami et al. discloses a partial image of a moving image <u>which has been already associated therewith being extracted as a moving object and a time position as a background image before extraction</u> being acquired as a locus. This is not <u>synthesizing an image with a moving picture</u> that includes <u>while replaying the moving picture</u> from an arbitrary replay position, <u>drawing a locus of motion of the image using an input device</u> to determine position data of the locus of motion of the image with time and <u>storing the determined position data and time data representing when the position data is determined</u>, as recited in the claims of the present application. Minami et al. merely discloses that an object at the specified target spatial position is extracted <u>from being previously stored</u> and displayed <u>with a still background</u>. This is not designating and storing a position and a moving picture at which another (still) image is synthesized <u>while the moving picture is being replayed</u>, as recited in the claims of the present application.

Regarding claims 18-20, 22-25, 28-30, 32-35 and 37-57, Applicant submits that these claims are dependent on one of independent claims 17, 21, 27 and 31 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, Minami et al. does not disclose or suggest replaying a moving picture from an arbitrary replay position in accordance with a replay speed designated by an input device.

Accordingly, Applicant submits that Minami et al. does not disclose or suggest the limitations in the combination of each of claims 17-47 of the present application.

14

Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claims 45-48 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Minami et al. in view of Abe et al. Applicant respectfully traverses these rejections.

Abe et al. discloses a moving image anchor setting apparatus for setting an anchor to a moving image including a frame specification portion for specifying a first frame from among a plurality of frames constituting the moving image, an anchor setting portion for setting an anchor by selecting a particular region overlapping a target object within the first frame to be an anchor region, and an anchor estimating portion for determining anchor information for a second frame by performing pattern utilizing an image of the first frame, the anchor information of the first frame, and an image of the second frame.

Applicant submits that claims 45-48 are dependent on one of independent claims 17, 21, 27 and 31 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. Applicant submits that Abe et al. does not overcome the substantial defects noted regarding Minami et al. For example, Applicant submits that none of the cited references disclose or suggest the image being a still image. Abe et al. merely relates to specifying a range of linking nodes in a moving range.

Accordingly, Applicant submits that neither Minami et al. nor Abe et al. taken alone or in any proper combination, disclose, suggest or render obvious the

15

limitations in the combination of each of claims 45-48 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 17-48 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 500.38975X00).

Respectfully submitted,

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